

REMARKS

After entry of the current Amendment, claims 1, 21 and 22 are pending in the above-identified application. Claims 2-20 have been canceled. Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Haikin (U.S. Pat. No. 6,757,893) in view of Blackwell et al. (U.S. Pat Pub. No. 2005/0166094).

Claim 1 has been amended. Applicants submit that these amendments and remarks overcome all of the Examiner's outstanding rejections and bring the present Application into condition for allowance. Entry of this amendment and a notice of allowance of all the remaining claims are therefore respectfully solicited.

Rejections Based on §101

The cancellation of claims 7-12 makes the rejections under 35 U.S.C. §101 moot.

Rejections Based on §103(a)

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Haikin (U.S. Pat. No. 6,757,893) in view of Blackwell et al. (U.S. Pat Pub. No. 2005/0166094). Applicants have amended independent claim 1 to focus the Application on the competitive aspects of the disclosed technology. In addition, claims 21 and 22 have been added. Applicants do not believe that Haikin and Blackwell, either separately or in combination, either teach or suggest the subject matter of the amended claims.

As explained in the Amendment dated September 19, 2007, Haikin for concurrent access to computer code during development. Haikin approaches the issue of concurrent access from a software tracking point of view rather than from Applicants' competitive testing approach. Simply stated, Haikin is a "source code version control system" (Abstract). In other words, Haikin is directed to a version control system that tracks code on a line-by-line basis but does not teach or suggest any particular method for comparing one version of code against another.

Blackwell, which is relied upon to suggest the testing aspects of Applicants' claimed subject matter, is not directed to, nor seen to address, issues related to

collaborative software development, in general, or competitive programming, specifically. Blackwell neither teaches nor describes a collaborative software development environment or specific techniques for resolving the inevitable conflicts that arise in such an environment. Therefore, Backwell neither suggests nor teaches that which Haikin lacks in this regard.

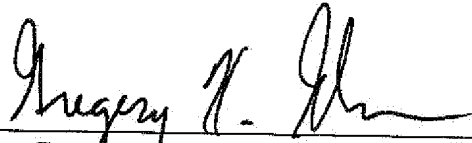
To establish *prima facie* obviousness of a claimed invention under §103(a), all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, “**All words in a claim must be considered** in judging the patentability of that claim against prior art.” (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*). Applicants believe that the cited art fails to meet this standard because there is no suggestion in either Haikin or Blackwell that developers exchange roles. For the reasons above, claim 1 is allowable over the cited art. In addition, claims 21 and 22 are allowable because they each depend upon the allowable independent claim.

CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and earnestly solicits notice thereof. Applicants are not conceding in this application that the unamended and canceled claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the allowable subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications.

A Request for a Two-Month Extension of Time is being filed and paid for electronically in conjunction with this Response so that Applicants have until March 31, 2008 to respond. A fee for a Request for Continued Examination is also being paid for electronically. It is believed that no other fees are due with the filing of this Amendment/Response. However, should any other fees be due, the Commissioner is hereby authorized to charge such fees to the deposit account of IBM Corporation, Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory K. Goshorn", written over a horizontal line.

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